

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

ALTON W. CARTER,

Plaintiff,

v.

Case No: 2:20-cv-277-SPC-MRM

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**ORDER**<sup>1</sup>

Before the Court is United States Magistrate Judge Mac R. McCoy's Report and Recommendation ("R&R") ([Doc. 28](#)) on Plaintiff's Unopposed Petition for EAJA Fees Pursuant to [28 U.S.C. 2412\(d\)](#) ([Doc. 27](#)). Judge McCoy recommends granting the Motion. Neither party timely objected, so the matter is ripe for review.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's R&R. *See* [28 U.S.C. § 636\(b\)\(1\)](#); *see also* [\*Williams v. Wainwright\*, 681 F.2d 732 \(11th Cir. 1982](#)). In the absence of specific objections, there is no

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<sup>1</sup> Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

requirement that a district judge review factual findings *de novo*, *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations, 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See *Cooper-Houston v. Southern Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

After careful consideration and an independent review of the file, the Court accepts and adopts the R&R ([Doc. 28](#)) in full.

Accordingly, it is now

**ORDERED:**

- (1) The Report and Recommendation ([Doc. 28](#)) is **ACCEPTED and ADOPTED** and incorporated into this Order.
- (2) Plaintiff's Unopposed Petition for EAJA Fees Pursuant to 28 U.S.C. 2412(d) ([Doc. 27](#)) is **GRANTED**.
  - a. Plaintiff is **AWARDED** \$8,224 in attorney's fees.
  - b. Plaintiff is **AWARDED** \$400 in costs.
  - c. Plaintiff is **AWARDED** \$21.15 in expenses
  - d. If the United States Department of Treasury determines that Plaintiff does not owe a federal debt, the Government may pay these fees directly to Plaintiff's counsel.

(3) The Clerk is **DIRECTED** to enter judgment in favor of Plaintiff for \$8,224 in attorney's fees, \$400 in costs, and \$21.15 in expenses.

**DONE** and **ORDERED** in Fort Myers, Florida on June 8, 2021.

  
Sheri Polster Chappell  
SHERI POLSTER CHAPPEL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record